

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 30, 2005 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #05013

PROPOSAL: A request for a special permit to allow a dance studio in the O-3 district per Lincoln Municipal Code (LMC) Section 27.63.075 Permitted Special Use: Private Schools.

LOCATION: Northeast of South 56th Street and Thompson Creek Blvd.

CONCLUSION: This request complies with the requirements of the Zoning Ordinance, is consistent with the Comprehensive Plan, and is an appropriate use of land at this location.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 13, Block 3, Thompson Creek Addition, Lancaster County, Nebraska.

EXISTING ZONING: O-3 Office Park

EXISTING LAND USE: Office

SURROUNDING LAND USE AND ZONING:

North:	Vacant (approved for mixed-use in Village Gardens PUD)	B-3
South:	Office	O-3
East:	Vacant (approved for townhouses)	R-3 & O-3
West:	Outlot for storm water detention	O-3

HISTORY:

July 15, 2002 - CZ#3338 from AG to R-3; CZ#3339 from AG to O-3; PP#01015 for 283 residential lots; SP#1930 for 362 assigned units; and, UP#141 for up to 114,500 square feet of office and live/work dwellings for Thompson Creek were approved.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F23 - The Land Use Map of the Comprehensive Plan designates commercial uses for this site.

ANALYSIS:

1. The O-3 zoning at this location was approved as part of Thompson Creek in 2002. The overall concept was to provide a mix of residential, office and limited commercial uses in a development incorporating some New Urbanism concepts. The O-3 is situated at the northwest corner of the development adjacent to South 56th Street and is approved for up to 115,000 square feet of floor area.
2. The B-3 to the north was recently approved as part of the Village Gardens PUD. It will be developed as a mixed-use neighborhood center and will contain residential, office and commercial uses.
3. For the purpose of use classification in the Zoning Ordinance, a dance studio is considered a private school. A private school is allowed in the O-3 district by special permit which requires the following information to be submitted as part of the application:

A. Number of children, time separation between classes, number of staff members on the largest shift, and limitations on hours and classes to minimize the number of persons on site at any one time.

A class schedule was submitted as part of the application. It shows classes being held Monday through Saturday, and includes class times and numbers of students. The largest number of students in overlapping classes is 41. This occurs on Friday at 5:15 and 6:00 p.m.

B. A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern, loading and unloading area, and entrances/exits to such facility. The parking and the loading and unloading area for such facility must comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code.

The site layout for this lot was approved as part of UP#141, and included building envelopes, parking spaces, driving aisles and driveways. The dance studio is proposing to locate in an existing building with no modifications to the approved use permit.

Required parking is based upon the total number of students in classes where the overlap is less than one-half hour, and requires one space for every three students and one for each employee. Using the maximum number of 41 students and including one employee, the required number of parking spaces is 15. This represents a parking ratio of approximately 1 space per 175 square feet of floor area, and is a higher parking demand than the O-3 ratio of 1/300. However, there is a cross parking agreement with the adjacent lot to the south and the combined parking overall exceeds what is required at 1/300. Additionally, much of the parking demand for this use occurs after 5:00 p.m. and outside the normal business hours for many office uses.

4. This use is the type envisioned for this area, and can provide a service to the residents living in the surrounding neighborhoods. It is compatible with other uses in the O-3, and adequate parking is provided on site.

CONDITIONS:

Site Specific:

1. This approval permits a private school with a parking demand that does not exceed a maximum of 15 stalls.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 2.1.1 A revised site plan including 5 copies showing the following revisions:
 - 2.1.1.1 Modify the dance schedule to show Monday through Saturday and remove the second listing of Friday.
 - 2.2 The construction plans comply with the approved plans.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying this building all development and construction is to comply with the approved plans.

- 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

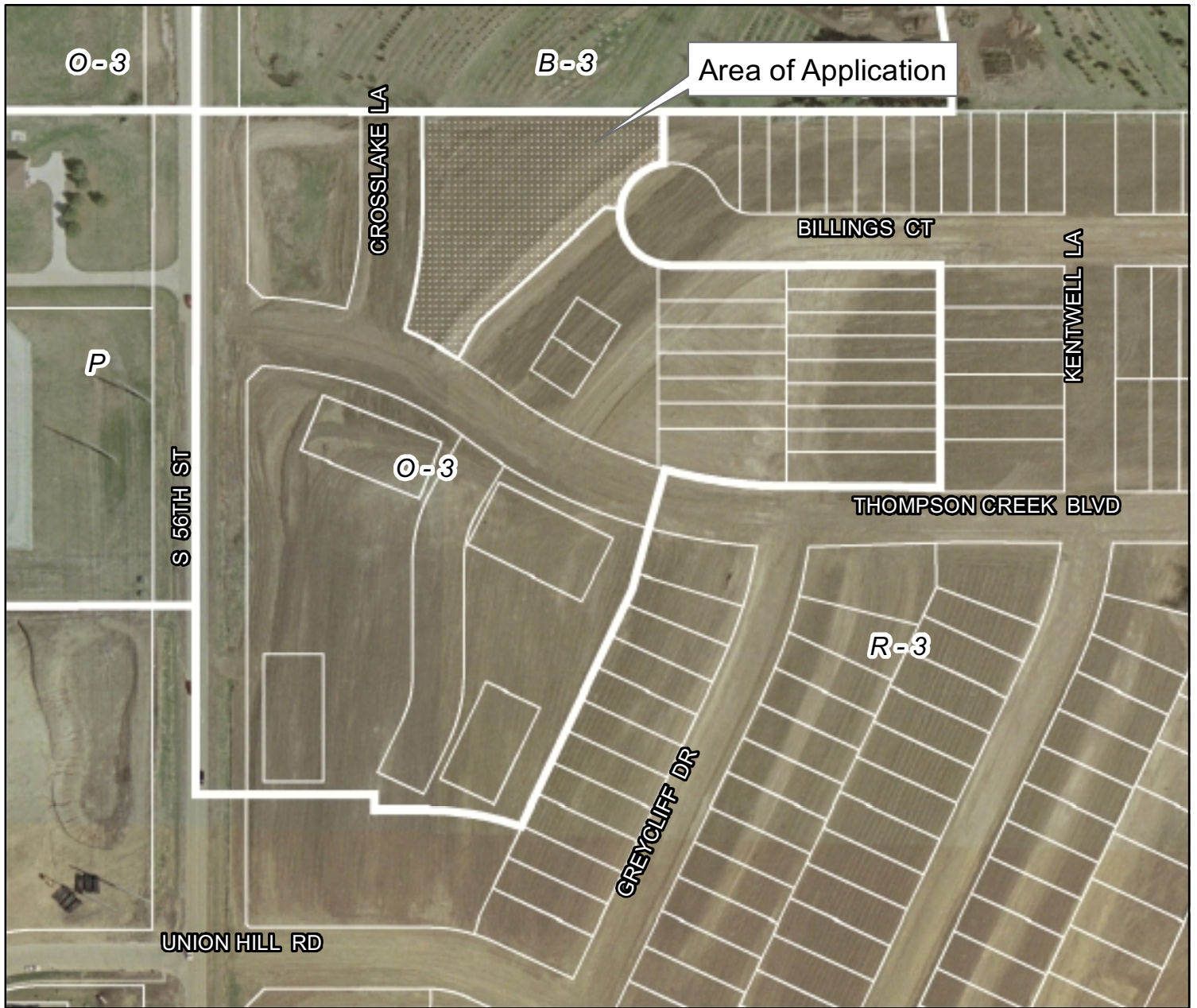
Prepared by

Brian Will
Planner
March 17, 2005

APPLICANT

OWNER: Rosasco Properties, Inc.
7400 Cross Lake Lane
Lincoln, NE 68516

CONTACT: J. Michael Rierden
645 M Street #200
Lincoln, NE 68508



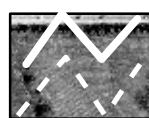
2002 aerial

Special Permit #05013 S. 56th & Thompson Creek

Zoning:

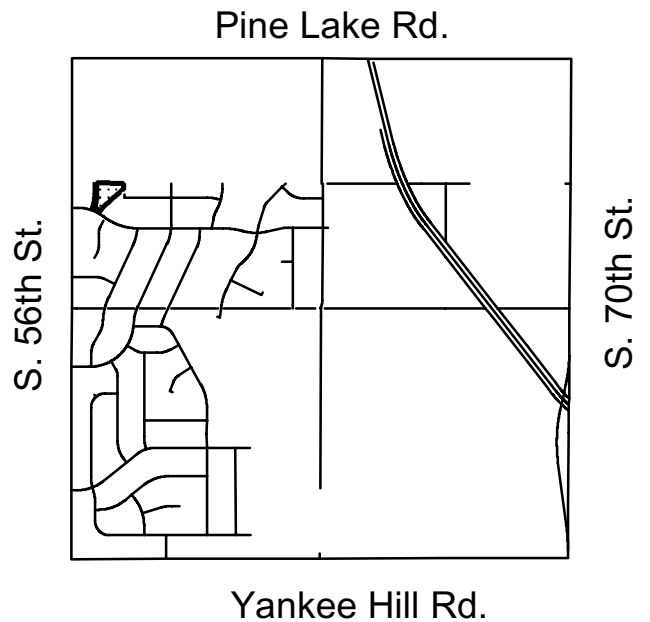
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

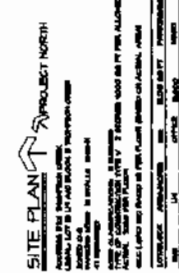
One Square Mile
Sec. 21 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction





MAR 3 2005

PURPOSE STATEMENT

The purpose of the attached Application is to provide for a dance studio in a growing area of Lincoln. The operator of the studio has many years of experience in teaching various types of dancing and operating a dance studio.

Classes at Karen McWilliams Studio of Dance:

Class time — number of dancers in class

Monday:

4:00	12	
4:45	19	
5:45	14	
7:00	10	
8:00	12	(7 are from previous class, total of two classes would be 15)
9:00	12	

Tuesday:

12:15	17	
1:00	16	
(time between classes, count will not apply)		
3:30	14	
4:15	16	
5:00	10	
6:15	12	
7:00	11	(2 are from previous class, total of two classes would be 21)
8:00	13	
9:15	7	

Wednesday:

9:15 AM	7	
10:00 AM	15	
(time between classes, count will not apply)		
4:00	15	
5:00	15	
6:00	18	
7:00	13	
8:15	26	(12 are from previous class, total of two classes would be 27)
9:00	8	(3 are from previous class, total of two classes would be 31)

Thursday:

4:00	15	
4:45	15	(13 are from previous class, total of two classes would be 17)
6:00	8	
6:45	14	

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8:00	21	(9 are from previous class, total of two classes would be 26)
8:45	18	(6 are from previous class, total of two classes would be 33)

Friday:

3:30	12	
4:30	9	
5:15	18	
6:00	23	(Note-this and the 5:15 class total 41, which is the largest group)

Saturday:

8:00 AM	8	
8:45 AM	16	
9:30 AM	14	(all 14 are from the previous class)
10:30 AM	16	
11:15 AM	17	
12:00 N	12	